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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,423	12/01/2000	Koichi Shibata	009683-363	1425

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Platon N. Mandros
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1404

EXAMINER
ARANI, TAGHI T

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/726,423	SHIBATA, KOICHI
		Examiner	Art Unit
		Taghi T. Arani	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 January 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claims 1-21 are pending for examination.

Response to Amendment

Applicant's arguments filed 01/04/2005 regarding the rejection of the claims 1-21

under 35 U.S.C. 102 () have been fully considered but they are not persuasive.

As per Applicant's arguments relating to the rejection of claim 1, Applicant argues (page

1-2 of the response) that the output means of the Nezu patent (US 5,638,511) does not receive

both print job and a password corresponding to the print job, as recited in the claim and that in

the system of Nezu patent, the output means generates a collation key and outputs it to the client

who sent the print job. Applicant further argues that in the system of Nezu paten, the collation

key is transmitted from the print server to the client PC, and is written to a removable storage

medium which the user carries to the print server and loads it onto the drive at the print server.

The Examiner agrees that the collation key is generated by the output means and is outputted to

the client who sent the print job. However, generating the key by the output means or the client

who sent the print job is not an issue. Claim 1, recites "a receiving unit receiving a print job data

and a password corresponding to the print job data'. Nezu patent teaches a receiving unit (output

means) receiving a print job data and a password (collation key) corresponding to the print job

data". Receiving a password <u>along with</u> the print job data where <u>the password is generated by the</u>

<u>client</u> who sent the print job data are not claimed , emphasis added. According to the MPEP

904.01, the Examiner is obligated to give each term in the claims its broadest reasonable

interpretation (In re Morris, 127 F.3d 1048, 44 USPQ2nd 1023 (Fed. Cir. 1997) and while the

Examiner reads the claims in light of specification, the Examiner declines to read the limitations

from the specification into the claims.

As per Applicant arguments relating to the "prescribed password" , the Applicant argues

that Nezu's master code is to unlock a locked stacker and that the master key of Nezu does not

have any effect upon print job data that is stored on the storage device (page 2 of the Response)

in contrast with the claimed invention where a super user can present a prescribed password to

enter into a mode of operation in which accumulated print job data can be deleted or sent to the

printer (page 4, second paragraph of the Response).

The Examiner responds that in the system of Nezu when the retention time for holding

print job as a temporarily held job has exceeded the maximum retention period, the security

designated job corresponding to the job being temporarily held is set to either a mode of being

deleted from the internal spool or a mode of being treated and output as a print job for an

ordinary output after the holding of the output process of the print job has been canceled, col. 6,

lines 25-33, see also col. 30, lines 13-20, where the operator selects the method of handling the

queued job print after the expiration of the retention period. The operator determines whether the

print job must be deleted or released from the queue after the retention period.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Nezu, U.S.

Patent 5,638,511, issued June 1997 .

As per claims 1, 8 and 15, Nezu teaches an apparatus/method and computer program

product for printing an image, comprising :

a receiving unit (i.e. output means 2] receiving a print job data and a password [i.e. a

collation key] corresponding to the print job data [col. 11, lines 55-67];

a storage device storing the print job data and the password received

by said receiving unit in correspondence with each other [Fig. 3 (collation key storage means 7

and print job storage means 6), col. 12, lines 29-34] and ;

a password taking unit taking a password [col. 12, lines 37, i.e. a control means 9

retrieving the collation key stored in the collation key storage means 7] ; and

a control [Fig. 3, control means 9] permitting, when the password taken by said

password taking unit matches the password stored in said storage device in correspondence with

the print job data, print output of the print job data stored in said storage device in

correspondence with said password [col. 12, lines 36-43];

wherein, said controller permits, when the password taken by said password taking unit

is a prescribed password [col. 5, lines 31-37, i.e. a master code of a person who manages a print

server stored in a the storage medium , col. 6, lines 25-33, col. 30, lines 13-20] different from

the password stored in said storage device (i.e. a collation key corresponding to a print job]in

correspondence with the print job data, a prescribed operation [unlocking an electronic lock

stacker) on the print job data stored in said storage device.

As per claims 2,9 and 16, Nezu teaches the apparatus/method

and computer program product for printing an image according to claims 1, 8 and 15

respectively, wherein said prescribed operation includes cancellation of the print job

data stored in said storage device [col. 6, lines 24-033, col. 7, lines 36-43].

As per claims 3, 10 and 17, Nezu teaches the apparatus/method and computer program products for printing an image according to claims 1,8 and 15 respectively, wherein said prescribed operation includes print output of the print job data stored in said storage device[col. 6, lines 31-33].

As per claims 4, 11 and 18, Nezu teaches the apparatus for printing an image according to claims 1, 8 and 15 respectively, wherein said controller permits said prescribed operation for each print job data stored in said storage device [col. 17, lines 56-65].

As per claims 5, 12 and 19, Nezu teaches the apparatus/method and computer program product for printing an image according to claim 1,8 and 15 respectively, wherein said password taking unit takes a password by receiving the password transmitted from an external device [col. 3, lines 11-20, i.e. a storage medium storing a collation key].

As per claim 6,13 and 20, Nezu teaches the apparatus/method and computer program product for printing an image according to claims 1, 8 and 15 respectively, further comprising:

an information taking unit taking information related to said prescribed operation [col. 13, lines 40-49 disclosing an external storage medium drive unit and an external storage medium drive control unit, col. 14, line 9 through col. 15, line 5, disclosing the data structure including information related to prescribed operation stored in the external storage medium]; wherein

said controller determines contents of said prescribed operation in accordance with the information taken by said information taking unit [col. 31, lines 57 through col. 32, line 14].

As per claims 7, 14 and 21, Nezu teaches the apparatus for printing an image according to claims 6, 13 and 20 respectively, wherein said password taking unit takes a password by

receiving the password transmitted from an external device [col. 3, lines 40-64, i.e. collation key

stored in an external storage medium]; and

said information taking unit, takes information by receiving the information related to

said prescribed operation transmitted from said external device[col. 14, line 1 (external storage

medium) through col. 15, line 46].

Action is Final

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the mailing date of this

final action.

Conclusion

Prior arts made of record, not relied upon:

US patent 6,667,810 is directed to a transmission job or a printing job is stored in

conjunction with a corresponding execution time in the job storage unit, so that a job can be

selected from the job list and the execution time for the selected job can be changed. Further, the

jobs stored in the print queue are displayed as a list, and a selected job is moved from the print

queue to the job storage unit, so that the printing of the job in the print queue can be performed.
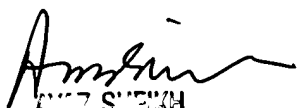
Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Taghi T. Arani whose telephone number is (571) 272-3787. The

examiner can normally be reached on 8:00-5:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Taghi T. Arani, Ph.D.
Examiner
Art Unit 2131